

The Infrastructure Planning Committee  
Temple Quay House  
2 The Square  
Temple Quay Road  
Bristol  
BS1 6PN

**Our ref:** WX/2018/132154/01-L01  
**Your ref:** TR010036  
**Date:** 18 October 2018

Dear Sir/Madam

### **A303 SPARKFORD TO ILCHESTER DUALLING SCHEME DEVELOPMENT CONSENT ORDER**

Thank you for your consultation in respect of the above.

Following a detailed assessment of the submitted documentation, we have the following comments:

It is noted that our national Protective Provisions have not been included in the draft DCO, as requested. The submitted draft Protective Provisions are not specific to our interests and do not accord with our requirements. Accordingly, we must advise that we are currently unable to agree to the proposed disapplication of legislative provisions pertinent to our interests, as detailed in Part 1 (3) of the draft DCO. We would welcome the opportunity to discuss this matter further.

Notwithstanding the above, we are essentially satisfied that, unless specifically stated hereunder, the supporting documentation and related provisions pertinent to our interests, including the draft 'Requirements', reflect earlier discussions and are currently considered sufficient to protect our interests.

The Road Drainage and Water Environment Assessment Summary (Appendix 4.3 of the Environmental Statement) only considers licensed abstractions as potential receptors (section 1.4). We have previously advised of the presence of private supplies in the vicinity of the proposed works, that abstract quantities below the threshold requiring a licence. As previously advised, where used for potable water, such abstractions have a 50m radius Source Protection Zone 1 (SPZ1). We must again advise that a survey is conducted to ensure these sources are identified and adequately protected.

Chapter 9 (Geology and Soils) of the Environmental Statement also fails to consider unlicensed groundwater abstractions. Whilst we agree that there are no Source Protection Zones attributed to public water supplies in the vicinity of the scheme, there are likely to be default 50m radius SPZ1 around private abstractions within the area of study.

We note that it is not currently considered feasible for runoff to be actively discharged to ground due to the low permeability nature of the soils. The Highways Agency Water Risk Assessment Tool (HAWRAT) does not therefore appear to have been applied to groundwater. Should the drainage strategy change following results from the on-going groundwater monitoring, additional assessment should be undertaken to ensure the risks to groundwater in the underlying Secondary A aquifer are acceptable. Should sections of the drainage system allow potential infiltration through unlined infrastructure, assessment of the risk posed to groundwater must be undertaken in respect of such discharges and appropriate pollution control measures incorporated.

Part 4 Section 20 of the Draft Development Consent Order requires that water discharged into a watercourse must be as free as practicable of solid substances, matter in suspension and oil. To ensure controlled waters are adequately protected, we must request the extension of the requirement to include dissolved pollutants and discharges to ground, due to the potential for pollution of groundwater in the underlying Secondary A aquifer.

We welcome 'Requirement' 8 (Land and Groundwater Contamination) which details the need for a land contamination risk assessment with respect to controlled waters and, if required, a remediation strategy to be submitted for approval following consultation with the Environment Agency.

Notwithstanding the above, we would recommend the following with regard to contaminated land management:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
4. Refer to the contaminated land pages on GOV.UK for more information.

We must advise that 'Requirement' 3 (Construction Environmental Management Plan) is amended to include a specific need to submit a Pollution Incident Control Plan, to ensure environmental pollution prevention and emergency response procedures are developed and implemented. The measures must be appropriate to the potential risk of the specific works being undertaken, impacting upon identified environmental receptors

Further, it is noted that 'Requirement' 3 does not specify consultation with the Environment Agency. Due to potential risks to environmental receptors during construction we would request that we have the opportunity to comment on the CEMP and also the HEMP to ensure longer term risks can be adequately mitigated. With reference to the record of sensitive environmental features and Groundwater Monitoring Strategy, we may hold information that would assist in determining sensitive environmental receptors.

We must advise that any subsequent documentation submitted pursuant to the discharge of any 'Requirement' pertinent to our interests, is forwarded for our consideration, prior to any approval or otherwise.

With regard to our flood risk management remit, we would reiterate that the proposals lie outside Flood Zones 2 and 3 and, as a consequence, there are no specific/direct flood risk mitigation works required to ensure the proposed scheme will be protected against fluvial/tidal risks from sources under our jurisdiction. The applicant is advised to (if not done so already) assess any local flood risks to the proposed scheme from nearby ditches and drains under the control of the Lead Local Flood Authority or Drainage Board.

We would advise that draft 'Requirement' 13 does not appear to make any provision for the future management/maintenance of the approved drainage details. This will be important to ensure the drainage system continues to perform as originally designed, for the lifetime of the scheme.

It is noted that in section 5 of requirement 13, there may be an issue for the other Risk Management Authorities to comment on i.e. points a) and b) suggest no surcharge at 1 in 1 yr (100%AEP) events, and no flooding at 1 in 5 yr (20%AEP) events. This would appear to be a low standard of service for a new road drainage network. Typically, no surcharge would be expected up to and including 5%AEP (1 in 20yr) in the drainage network, with no surface flooding at 1%AEP (1 in 100yr) events. Exceedance design should cover the climate change scenario at 1%AEP. Accordingly, the respective Risk Management Authorities should clarify their expected standards for the performance of the road drainage network.

As previously advised, the draft Statement of Common Ground should be amended to also include issues which remain outstanding. In our experience, a concise document detailing all agreed and unresolved issues provides the Examining Inspector(s) with an easy reference source document. Accordingly, clear reference should be made to the need to undertake the aforementioned unlicensed groundwater abstractions assessment, which has been raised on numerous occasions.

Further, it is noted the Statement of Common Ground (Table 1.1) only refers to meetings, with no reference to written correspondence. This aspect should be amended to reflect the full extent of engagement.

With reference to paragraph 1.2.3 of the Statement of Common Ground, the applicant is advised to include the following outline of our role:

The Environment Agency is an executive non-departmental public body, sponsored by the Department for Environment, Food and Rural Affairs with the stated purpose "to protect or enhance the environment, taken as a whole".

Within England it is responsible for:

- regulating major industry and waste;
- treatment of contaminated land;
- water quality and resources;
- fisheries;
- some inland river, estuary and harbour navigations;
- conservation and ecology; and
- managing the risk of flooding from main rivers, reservoirs, estuaries and the sea.

Should you wish to discuss this matter further please contact the undersigned.

Yours faithfully

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